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| 10/574,035 | 05/02/2007 | Anders Lenning | 12400-069 | 8028 |
| 757 | 7590 | 12/17/2010 | EXAMINER | |
| BRINKS HOFER GILSON & LIONE | | | HAUGLAND, SCOTT J | |
| P.O. BOX 10395 | | | | |
| CHICAGO, IL 60610 | | | ART UNIT | PAPER NUMBER |
| | | | 3654 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/574,035 | LENNING, ANDERS |
| | Examiner | Art Unit |
| | SCOTT HAUGLAND | 3654 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 May 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 and 4-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 and 4-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/19/10 has been entered.

Election/Restrictions

Claims 10, 12-17, 19, and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/30/09.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4-9, 11, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 1, lines 11 and 13 appears to be incomplete. It is assumed that "occurs" is present immediately after "force" on both of these lines.

The language "initially selecting" in claim 1, lines 7-8 is unclear or inaccurate. The disclosed control mechanism does not appear to initially perform any active selection of energy absorbing levels. E.g., if the squib 27 had previously fired and moved blocking ring 26, the energy absorbing level would be the second energy absorbing level upon locking of the retractor by the locking device. The control mechanism leaves the energy level in its initial state which does not appear to be consistent with the term "selecting".

The language of claim 1, lines 9-15 is unclear or inaccurate. As disclosed, a belt force that is greater than the predetermined force produces greater relative movement between the two retractor components than the belt force that is less than the predetermined force. The claim language appears to imply that the second energy absorbing level would always be selected since the greater belt force would always produce at least the lower relative movement of the retractor components. The claim appears to require that if the greater belt force occurred, the selection of the second energy absorbing level would both occur and be prevented simultaneously which is not possible.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9, 11, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Clute et al (U.S. Pat. No. 6,616,081).

Clute et al discloses a seat belt retractor comprising: a locking device (17), a force limiter (13) to permit the restricted paying out of the seat belt (9) webbing with the absorption of energy, the force limiter (13) providing a first relatively high energy absorbing level (via section 14) and a second relatively low energy absorbing level (via section 15), and a control mechanism (including 19) operable to select between the energy absorbing levels in response to a crash related electric signal (generated by control unit 39; Fig. 8). The retractor is disclosed as initially being set at the first energy level upon locking of the retractor (10) by the locking device (17) and selection of the second energy absorbing level is dependent upon relative movement between two components of the retractor (10) that is dependent upon initial belt force or time (col. 2, line 53 - col. 3, lines 8). This disclosure appears to read on the language of claim 1, lines 9-15 to the extent that it is clear and definite. The two components of the retractor are formed by a first part (50 and frame) of a spindle and a second part (12) of the spindle movable relative to the first part. The force limiter comprises an energy absorbing torsion bar (13) connected to the first and second parts of the spindle. The control mechanism includes a radially movable locking element (21) and an inhibiting element (18), the inhibiting element (18) engaging part of the torsion bar (13) between

the first and the second sections (14 and 15) thereof, the locking element (21) initially engaging part of the inhibiting element (18) and the second part of the spindle (12) to secure the inhibiting element (18) to the second part of the spindle (12), the locking element (21) being movable to a release position through the control mechanism in which the locking element (21) does not secure the inhibiting element (18) to the second part of the spindle (12) (col. 4, lines 1-14). The locking element is initially retained in an engaged position by blocking element 45 which is in the form of a ring. The blocking element is movable by a control element (28) which is movable by gas generated by pyrotechnic squib (27). Wires supply the electric signal, a part of one wire extending between the first and second parts of the spindle (Fig. 8).

With regard to claim 18, the wires are inherently configured to be broken and configured to be broken upon relative movement of the first and second parts of the spindle.

Response to Arguments

Applicant's arguments filed 5/19/10 have been fully considered but they are not persuasive.

Applicant argues that applicant's control mechanism selects the second lower energy absorbing level when the initial belt force is less than a predetermined force and not when either a pre-selected time period or pre-selected revolutions of the spool have been exceeded as is disclosed in Clute et al '081. However, as discussed in the rejection under 35 U.S.C. 112, second paragraph above, if this were the case in

applicant's apparatus, a higher belt force would also select the second lower energy absorbing level (and could not prevent its selection) since it would produce sufficient relative rotation to trigger the selection of the second energy absorbing level. Contrary to applicant's assertion, the selection process in applicant's apparatus is time dependent which is not reflected in the claims. Clute et al discloses embodiments having control mechanisms that are rotation or time dependent for selecting the second lower energy absorbing level. Selection of the second energy absorbing level can occur if a small relative movement between components occurs initially (e.g., followed by additional relative movement in the rotation dependent embodiment or by a sufficient amount of time in the time dependent embodiment). Selection of the second energy absorbing level is prevented until switching occurs (if it does occur) and prevention may occur with a large initial relative movement and force.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT HAUGLAND whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571) 272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/
Supervisory Patent Examiner, Art Unit 3654

/SJH/